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Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Nuclear disarmament

Working paper submitted by Ireland on behalf of Brazil, Egypt, Mexico, New Zealand and South Africa, as members of the New Agenda Coalition

Background

1. The Treaty on the Non-Proliferation of Nuclear Weapons is the foundation of the nuclear disarmament and nuclear non-proliferation regime. Since 1998, the New Agenda Coalition has been working relentlessly towards the fulfilment of the bargain of the Treaty by championing the cause of nuclear disarmament, urging the nuclear-weapon States to intensify the pace of implementation of their nuclear disarmament obligations and advocating for universal adherence to the Treaty. Nuclear disarmament and nuclear non-proliferation are mutually reinforcing processes that flow from the Treaty's central premise, namely, that the nuclear-weapon States have legally committed themselves to the pursuit of nuclear disarmament and the elimination of their nuclear arsenals, in return for which the non-nuclear-weapon States have legally committed themselves not to receive, manufacture or otherwise acquire nuclear weapons, while the Treaty also asserts the inalienable right of States to the peaceful uses of nuclear energy.

2. States parties to the Treaty are equally bound by each of its provisions at all times and in all circumstances. All States parties must, therefore, be held accountable with regard to compliance with their obligations under the Treaty. Selective approaches towards the implementation of certain provisions of the Treaty serve only to undermine the nuclear disarmament and nuclear non-proliferation regime. The deep concerns expressed by New Agenda Coalition ministers in 1998 about the reluctance and lack of urgency on the part of the nuclear-weapon States in fulfilling their Treaty obligations remain regrettably all too relevant.

3. Any justification for the continued retention of nuclear weapons or any presumption of a right to indefinite possession of nuclear weapons by the nuclear-weapon States is incompatible with Treaty obligations, with the integrity and sustainability of the nuclear disarmament and nuclear non-proliferation regime and with the broader goal of pursuing international peace and security. As long as some States continue to possess nuclear weapons, citing security reasons for doing so,

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others do and will aspire to acquire them. As a result, the continued possession of nuclear weapons serves as a potential driver of proliferation.

4. By limiting the horizontal proliferation of nuclear weapons, significant progress has been achieved on the non-proliferation objective of the Treaty. While the non-proliferation measures have been strengthened over the years, nuclear disarmament as envisaged in the Treaty has yet to be achieved. The international community must, therefore, redouble its efforts to ensure that the nuclear-weapon States and countries outside the Treaty take the requisite steps towards the speedy, final and total elimination of their nuclear weapons. The reaffirmation of the commitment to the total elimination of nuclear weapons was fundamental to decision 3 of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, adopted without a vote, to extend the Treaty indefinitely (see NPT/CONF.1995/32 (Part I)). That agreement to extend the Treaty indefinitely was part of an interlinked series of measures that included decision 1, on strengthening the review process for the Treaty, decision 2, on principles and objectives for nuclear non-proliferation and disarmament and the resolution entitled "Resolution on the Middle East".

5. At the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, States parties agreed upon a Final Document that included practical steps for systematic and progressive efforts to implement article VI of the Treaty. The nuclear-weapon States provided an unequivocal undertaking in that Final Document to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament.

6. In 2000, States parties to the Treaty also agreed that the "principle of irreversibility [applies] to nuclear disarmament, nuclear and other related arms control and reduction measures". The 2000 Review Conference also agreed on "the further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world". The New Agenda Coalition presented its views on "Multilateral nuclear disarmament verification: applying the principles of irreversibility, verifiability and transparency" (NPT/CONF.2015/PC.I/WP.30) to the Preparatory Committee for the 2015 Review Conference at its first session, and on "Applying the principle of transparency in nuclear disarmament" (NPT/CONF.2015/PC.II/WP.26) at the Committee's second session.

2010 Review Conference

7. The action plan agreed at the 2010 Review Conference reaffirmed both the unequivocal undertaking by the nuclear-weapon States to the total elimination of their nuclear arsenals and the continued validity of the practical steps agreed to in the Final Document of the 2000 Review Conference. The 2010 action plan included concrete steps for the total elimination of nuclear weapons comprising 22 follow-on actions which reaffirm and build upon the decisions taken in 1995 and 2000. Taking those concrete steps would contribute to the implementation of article VI of the Treaty. The 2010 Review Conference also emphasized the importance of a process leading to the full implementation of the 1995 resolution on the Middle East and, in this context, endorsed the convening in 2012 of a conference, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear

weapons and all other weapons of mass destruction, on the basis of agreements freely arrived at by the States of the region.

8. Importantly, the Conference also re-emphasized the commitment to apply the principles of irreversibility, verifiability and transparency in relation to nuclear disarmament measures. Through action 5 of its consensus action plan, the Conference also provided for undertakings by the nuclear-weapon States to take specific measures on nuclear disarmament and for them to report back on those undertakings at the 2014 session of the Preparatory Committee. The New Agenda Coalition looks forward to the nuclear-weapon States' reporting.

9. The 2010 Review Conference expressed its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and asserted the need for all States at all times to comply with applicable international law, including international humanitarian law. In this way, the recognition of the devastation that would be visited on all humanity by a nuclear war was central to the agreement of the Treaty. In a working paper to this session of the Preparatory Committee, the New Agenda Coalition presents its views on the centrality to the Treaty of the consideration of the effects of nuclear weapons.

Progress since the adoption by the 2010 Review Conference of the nuclear disarmament action plan

10. A welcome development since the adoption of the action plan on nuclear disarmament is the reduction in the overall number of operationally deployed strategic nuclear weapons as a result of the entry into force of the Treaty between the Russian Federation and the United States of America on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START). Follow-on bilateral measures are now required. Further efforts are expected from the other nuclear-weapon States to reduce their nuclear arsenals and to increase transparency about steps taken. All types of nuclear weapons, irrespective of their size and location, must be included in future reduction agreements with a view to their total elimination.

11. Since 2010, the continued modernization of nuclear arsenals and the development of advanced and new types of nuclear weapons has run counter to the undertakings given by the nuclear-weapon States. Progress has not been evident in reducing and eliminating nuclear weapons stationed outside the territories of the nuclear-weapon States. Current information available on security doctrines suggest continued reliance on nuclear weapons as an integral part of national security, thereby undermining previous commitments made under the Treaty. Information on reducing the role of nuclear weapons in all military and security concepts, doctrines and policies on which the nuclear-weapon States were called to engage in 2010 is awaited. Regrettably, nuclear deterrence policies remain a defining characteristic of the military doctrines of nuclear-weapon States and the military alliances to which they are party. At this meeting of the Preparatory Committee, information is awaited on actions taken since 2010 to reduce the operational readiness of nuclear-weapon systems.

12. The action plan on nuclear disarmament agreed at the 2010 Review Conference included calls for nuclear-weapon States to discuss policies that could prevent the use of nuclear weapons and reduce the risk of accidental use of nuclear weapons and to report on such discussions to this Preparatory Committee meeting.

Given the impact of nuclear weapons, the only complete defence against the use of nuclear weapons, by accident or design, is their total elimination and the assurance that they will never be produced again.

13. The information which has been provided to date by some nuclear-weapon States on their nuclear arsenals and the progress made in the implementation of New START represent important confidence-building measures. The series of meetings between the five nuclear-weapon States to engage on these matters since the 2010 Review Conference is a welcome development, but further information is needed about the efforts of the nuclear-weapon States to enhance transparency and increase mutual confidence as between the nuclear-weapon States and the non-nuclear-weapon States. The New Agenda Coalition regrets that, to date, no information has been made available on the publicly accessible repository mandated by the 2010 action plan for this purpose.

14. Despite intensive efforts since 2010, including the submission of draft programmes of work, the Conference on Disarmament has not been able to implement the three specific recommendations of the 2010 action plan on nuclear disarmament owing to the continued lack of consensus.

15. The absence of the establishment in the Middle East of a nuclear-weapon-free zone, including the failure to hold a Conference in 2012 on the establishment in the Middle East of a zone free of nuclear weapons and all other weapons of mass destruction, continues to be a serious concern. Thus, it is of crucial importance that a date be fixed by the Secretary-General and co-convenors, together with the Facilitator, for the convening of the Conference in 2014. The convening of the Conference is among the practical steps endorsed by consensus at the 2010 Review Conference. The 2010 Review Conference emphasized the importance of a process leading to the full implementation of the 1995 resolution on the Middle East, which has also not been implemented to date, despite being an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty was indefinitely extended without a vote.

16. Further progress is urgently required to facilitate the entry into force of the Comprehensive Nuclear-Test-Ban Treaty. By raising the threshold for the acquisition of nuclear weapons, preventing a qualitative arms race and reducing the reliance on nuclear weapons in national security strategies, the Comprehensive Nuclear-Test-Ban Treaty constitutes a core element of the international non-proliferation and disarmament regime. The entry into force of the Comprehensive Nuclear-Test-Ban Treaty would also strengthen confidence in the international security system by establishing an effective verification mechanism. In this regard, all Comprehensive Nuclear-Test-Ban Treaty undertakings listed in the 2010 Review Conference action plan should be duly fulfilled. Some positive progress has been made towards the entry into force of the Comprehensive Nuclear-Test-Ban Treaty with the ratification by Indonesia, the first Annex 2 State to ratify since the 2010 Review Conference.

17. The entry into force in July 2011 of the Protocol between the Governments of the Russian Federation and the United States to update the 2000 Agreement concerning the Management and Disposition of Plutonium Designated as No Longer Required for Defence Purposes and Related Cooperation represents progress since the adoption of the action plan, though further information is awaited on progress made on the verification role for the International Atomic Energy Agency (IAEA)

under the Agreement and Protocol. No further progress has been made in the development of appropriate legally binding verification arrangements, in the context of IAEA, to ensure the irreversible removal of fissile material, particularly weapons-grade highly enriched uranium, designated as no longer required for military purposes, as foreseen in actions 16 and 17 of the 2010 Review Conference action plan.

18. The urgency and importance of achieving the universality of the Treaty on the Non-Proliferation of Nuclear Weapons was reiterated in 2010, and States parties were called upon to make all efforts to promote universal adherence and not to undertake any actions that could negatively affect the prospects for its universality. No progress has been made in this regard.

The way forward: the 2015 Treaty review cycle

19. While there has been progress in implementing some of the concrete steps agreed at successive review conferences since 1995, including through the reduction of the number of nuclear weapons in the arsenals of some nuclear-weapon States and increased transparency measures by some nuclear-weapon States, the threat posed by nuclear weapons remains and the objectives of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons have not yet been met. The continued existence of nuclear weapons and the threat of their proliferation 44 years after the entry into force of the Treaty contradicts commitments made under the Treaty. Accordingly, the 2015 Treaty review cycle should decisively tackle these challenges and address the confidence deficit among States parties to the Treaty. The implementation of disarmament commitments aimed at achieving and sustaining a world free from nuclear weapons cannot be postponed again.

20. This review cycle should be devoted to concrete action, moving beyond the conclusions and recommendations for follow-on actions set out in the Final Document of the 2010 Review Conference. The nuclear-weapon States must, without further delay, fulfil their obligations flowing from article VI through systematic and progressive efforts.

21. Furthermore, all States parties to the Treaty, particularly the nuclear-weapon States and the States in the region, must take concrete actions to implement the 1995 resolution on the Middle East, thereby building upon the 2010 action plan.

22. The convening of the Conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, as mandated by the 2010 Review Conference, is an essential element of the 2015 Treaty review cycle. The Secretary-General and depository States are thus called upon to continue to make efforts to assist the Facilitator in convening the Conference without further delay. As mandated, the Facilitator will also assist in the implementation of the follow-on steps to be agreed to by the participating regional States at the Conference towards the full implementation of the 1995 resolution on the Middle East, and will submit reports on this to the 2015 Review Conference and its Preparatory Committee.

23. As part of the 2010 action plan on nuclear disarmament, all States parties committed to apply the principles of irreversibility, verifiability and transparency in relation to the implementation of their Treaty obligations. Irreversibility is a cardinal principle of the nuclear disarmament process and can only be guaranteed

through the strict and transparent implementation of relevant legal and technical commitments. Technical approaches have been developed in the context of the implementation by the nuclear-weapon States of agreements concerning nuclear weapon reductions, particularly the work undertaken on dismantling warheads and disposing of fissile material under agreements between the Russian Federation and the United States. The development of such approaches may contribute to the demonstration of irreversibility in multilateral nuclear disarmament. In any future multilateral process, such technical approaches would need to be supplemented by appropriate legally binding transparency and verification measures in order to provide assurance of the irreversibility of that process.

24. As a short-term demonstration of the irreversibility of nuclear disarmament actions taken, all nuclear-weapon States must initiate or accelerate, and conclude, the development of multilateral arrangements for placing fissile material no longer required for military purposes, including weapons-grade plutonium and weapons-grade uranium, under IAEA verification, and make arrangements for the disposition of such material for peaceful purposes, ensuring that this material remains permanently outside military programmes in a verifiable manner. Adequate, legally binding and efficient nuclear disarmament verification arrangements are urgently required to promote confidence in the permanence and irreversibility of the removal of such material from military programmes.

25. Beyond the requisite actions and reporting set out in the 2010 Review Conference action plan, nuclear-weapon States should commit at the 2015 Review Conference to take additional measures to implement their nuclear disarmament obligations under article VI, their unequivocal undertaking to accomplish the total elimination of their nuclear arsenals and to apply the principles of transparency, verifiability and irreversibility to nuclear disarmament measures. In addition, all States that are part of military alliances that include nuclear-weapon States should commit to reducing and eliminating the role of nuclear weapons in collective security doctrines.

26. Building on the agreements reached at the 2000 and 2010 Review Conferences, further concrete measures must be taken to decrease the operational readiness of nuclear weapon systems, with a view to ensuring that all nuclear weapons are removed from high-alert status.

27. Since the 2010 Review Conference, awareness has been steadily growing about the humanitarian consequences and ever-present risk of a nuclear detonation, whether by accident, miscalculation or design. This was illustrated by the Conferences on the Humanitarian Impact of Nuclear Weapons, held in Oslo in 2013 and Nayarit, Mexico, in 2014, and will be further discussed in Vienna in late 2014. Given the indiscriminate and catastrophic effects of nuclear weapons, humanitarian concerns should be central to all actions and decisions during the 2015 review cycle and beyond.

28. Furthermore, the 2015 Review Conference should call for the elaboration of a clear, legally binding, multilateral commitment to achieving nuclear disarmament, which would underpin and guide all future efforts towards nuclear disarmament. What is needed is a comprehensive and legally binding framework committing all States to a world free of nuclear weapons, which the New Agenda Coalition has consistently advocated for, comprising the aforementioned mutually reinforcing

components, implemented in an unconditional manner and backed by clearly defined timelines, benchmarks and a strong system of verification.

29. States parties to the Treaty should take into account that failure to fulfil agreements and undertakings reached at successive Review Conferences diminishes the credibility of the Treaty and may pose a threat to the long-term sustainability of the non-proliferation regime. All States parties to the Treaty must continue to be committed to ensuring the full and effective implementation of article VI without delay. The New Agenda Coalition looks forward to working with all States parties to develop a robust, effective and ambitious action plan at the 2015 Review Conference that will reinforce the ability of the Treaty to deliver on its promise of a world without nuclear weapons.